**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

Crl. Misc. No.16629-M of 2007

DATE OF DECISION:04.05.2007

Paramjit Singh @ Tina .....Petitioner

Versus

State of Punjab .....Respondent

**CORAM:- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL**

Present:- Shri Y.M. Bhagirath, Advocate
for the petitioner.

Shri Lekh Raj Sharma, Addl. A.G., Punjab.

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` This is fifth application filed by the petitioner for the grant of regular bail in case FIR No. 178 dated 14.6.2004 under Sections 15/61/85 of the NDPS Act, registered at Police Station Jagraon, District Ludhiana.

I have heard counsel for the parties and gone through the contents of the FIR.

In this case, 80 kgs of poppy husk is alleged to have been recovered from the possession of the petitioner. The petitioner is in custody since 14.6.2004 and his last application was dismissed on 29.5.2006 by passing the following order:-

> "The petitioner has filed this petition under Section 439 Cr.P.C. for the grant of regular bail in case FIR No. 178 dated 14.6.2004 under Sections 15/61/85 of the NDPS Act, registered at Police Station Jagraon.
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> This is fourth application for grant of regular bail filed by the petitioner. While dismissing his earlier application on 30.9.2005, a direction was issued to the trial Court to expedite the trial.

Admittedly, in this case, till date no witness has been examined and the petitioner is in custody since 14.6.2004.

Counsel for the respondent-State on instructions from ASI Bahadur Singh submits that the prosecution will positively conclude its evidence within a period of six months.

In view of the stand taken by the counsel for the respondent-State, this petition is disposed of with a direction to the trial Court to conclude the trial preferably within a period of seven months and in case the trial is not concluded, it will be open for the petitioner to again apply for the regular bail before the trial Court and the same will be considered keeping in view the right of the accused of speedy trial."

After seven months of the said order when the trial was not concluded within the stipulated period, the petitioner again applied for regular bail before the trial Court and the same was rejected on 29.1.2007. Thereafter the instant application has been filed.

On 16.4.2007, counsel for the respondent on instructions from ASI Bahadur Singh stated that only three prosecution witnesses remain to be examined and they will be examined on 2.5.2007. It was also stated that in case the prosecution failed to complete its evidence on the said date, it will be open for the Court to consider the prayer of the petitioner for grant of bail.

On 2.5.2007, again the prosecution did not complete its evidence. Still three witnesses remain to be examined or cross-examined. No reasonable explanantion has been given by the prosecution for not completing its evidence within the stipulated time as stated by it earlier.

Keeping in view the aforesaid facts, the custody period and the the petitioner's right of speedy trial, without expressing anything on the

merits of the case, I deem it appropriate to grant regular bail to the petitioner. He is accordingly ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of trial Court.

May 04, 2007 **(SATISH KUMAR MITTAL)**
pooja **JUDGE**